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EXAMINER

CORSARO, NICK

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/09/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/676,800

**Applicant(s)**

KIESSLING ET AL.

**Examiner**

Nick Corsaro

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-23 and 26-34 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 03/05/01 and 01/24/2002 have been received and placed of record in the file.

### ***Preliminary Amendment***

3. The preliminary amendment filed on 09/29/2000 has been received and placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18, 20-22, 26, 28, 30-31, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proust et al. (6,216,014) in view of Kolev et al. (6,356,753).

Consider claim 18, Proust discloses a portable communication apparatus (see col. 1 lines 8-23, and col. 10 lines 30-52). Proust discloses a man-machine interface (see col. 10 lines 60-67). Proust discloses a controller (6, figure 1); an operating system (see col. 1 lines 44-57, col. 3 lines 54-67, col. 4 lines 1-16, col. 10 lines 30-52, col. 11 lines 12-33, and col. 11 lines 47-67, .

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where Proust is discussing a mobile phone with a SIM card, the SIM card having the instructions and memories to operate the phone, therefore, the SIM is the operating system). Proust discloses a local storage device for storing a first application, wherein the man-machine interface is adapted to provide interaction between a user of the portable communication apparatus and the first application when executed by the controller and the operating system (see col. 2 lines 17-30, col. 5 lines 10-22, col. 10 lines 35-67, and col. 11 lines 48-67, where Proust discusses accessing local and remote applications by a process in the SIM and where the SIM operates the phone display for phone and short message service operation). Proust discloses a wireless interface for connecting the portable communication apparatus to a remote device, wherein the man-machine interface is also adapted to provide interaction between the user and a second application originating from the remote device (see col. 2 lines 12-30, col. 2 lines 49-67, col. 5 lines 10-22, col. 10 lines 30-67, and col. 11 lines 48-67, where Proust is discussing a user using the phone for local and remote applications such as payments or other, therefore, interaction via the interface of the device). Proust discloses a secure resource which is only accessible from the operating system (see col. 10 lines 35-55, col. 14 lines 10-31, col. 14 lines 62-67, col. 15 lines 1-4, col. 16 lines 3-6, and col. 23 lines 9-21, col. 5 lines 63-67, and col. 1-11, where the applicant's specification, page 2 lines 25-30, defines secure resources as information stored on the SIM, and Proust is discussing the SIM card includes authorization parameters and data files only accessible by the SIM or an application that is authorized by the SIM to access via the SIM). Proust discloses only the operating system is adapted to provide a security indicator the security indicator representing a secure connection between the secure resource and one of the first and second applications currently using the man-machine interface (see col. 13 lines 18-67, col. 14

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lines 1-36, col. 12 lines 30-39, and col. 12 lines 39-45, where Proust discusses an authenticating process taking place that includes security indicators and a report on the authentication of local and remote applications, where one of the remote applications can be the cellular system (GSM) application).

Proust does not specifically disclose the system is adapted to provide a security indicator through the man-machine interface. Kolev teaches providing a security indicator through the man-machine interface (see col. 1 lines 5-10, col. 2 lines 40-67, col. 5 lines 16-50, col. 6 lines 37-46, col. 7 lines 10-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust, and provide a security indicator through the man-machine interface, as taught by Kolev, thereby communicating the result of an authentication or encryption to the user to increase user confidence in the network connection, as discussed by Kolev, (col. 1 lines 14-19, col. 1 lines 50-55).

Consider claim 20, Proust discloses a security indicator (see col. 4 lines 10-16 and col. 13 lines 18-55).

Proust does not specifically disclose the security indicator is presented on a display of the portable communication apparatus. Kolev teaches the security indicator is presented on a display of the portable communication apparatus (see col. 3 lines 57-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust, and have the security indicator be presented on a display of the portable communication apparatus, as taught by Kolev, thereby communicating the result of an authentication or

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encryption to the user to increase user confidence in the network connection, as discussed by Kolev, (col. 1 lines 14-19, col. 1 lines 50-55). .

Consider claim 21, Proust discloses a security indicator (see col. 4 lines 10-16 and col. 13 lines 18-55).

Proust does not specifically disclose the security indicator comprises at least one predetermined icon. Kolev teaches the security indicator the security indicator comprises at least one predetermined icon (see col. 3 lines 57-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust, and have the security indicator comprises at least one predetermined icon, as taught by Kolev, thereby communicating the result of an authentication or encryption to the user to increase user confidence in the network connection, as discussed by Kolev, (col. 1 lines 14-19, col. 1 lines 50-55).

Consider claim 22, Proust discloses a security indicator (see col. 4 lines 10-16 and col. 13 lines 18-55).

Proust does not specifically disclose the security indicator comprises a predetermined text message. Kolev teaches the security indicator comprises a predetermined text message (see col. 3 lines 57-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust, and have the security indicator comprise a predetermined text message, as taught by Kolev, thereby communicating the result of an authentication or encryption to the user to increase user confidence in the network connection, as discussed by Kolev, (col. 1 lines 14-19, col. 1 lines 50-55).

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Consider claim 26, Proust discloses a security indicator (see col. 4 lines 10-16 and col. 13 lines 18-55).

Proust does not specifically disclose the security indicator comprises an indication of the type of connection between the portable communication apparatus and the remote device. Kolev teaches the security indicator comprises an indication of the type of connection between the portable communication apparatus and the remote device (see col. 7 lines 50-57 and col. 8 lines 1-3, where Kolev indicates an encrypted connection). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust, and have the security indicator comprises an indication of the type of connection between the portable communication apparatus and the remote device, as taught by Kolev, thereby communicating the to the user that and encryption is taking place so the user has more confidence in the connection, as discussed by Kolev, (col. 1 lines 14-19, col. 1 lines 50-55).

Consider claim 28, Proust discloses a security indicator (see col. 4 lines 10-16 and col. 13 lines 18-55).

Proust does not specifically disclose the security indicator comprises an audible signal through the man-machine interface. Kolev teaches the security indicator comprises an audible signal through the man-machine interface. (see col. 5 lines 35-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust, and have the security indicator comprises an audible signal through the man-machine interface, as taught by Kolev, thereby communicating the result of an authentication or encryption to the user to increase user confidence in the network connection, as discussed by Kolev, (col. 1 lines 14-19, col. 1 lines 50-55).

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Consider claim 30, Proust discloses the apparatus is capable of mobile telecommunication (see col. 1 lines 8-24 and col. 10 lines 21-67).

Consider claim 31, Proust discloses a security indicator (see col. 4 lines 10-16 and col. 13 lines 18-55).

Proust does not specifically disclose the security indicator comprises an indication of whether there is currently a link between the portable communication apparatus and a remote device. Kolev teaches the security indicator comprises an indication of whether there is currently a link between the portable communication apparatus and a remote device. (see col. 3 lines 5-21, and col. 5 lines 35-67, where Kolev is saying that the authentication process could fail and this indicated to the user indicating no access is allowed thus no link has been made). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust, and have the security indicator comprises an indication of whether there is currently a link between the portable communication apparatus and a remote device, as taught by Kolev, thereby communicating the result of an authentication or encryption to the user so the user knows about the network connection, as discussed by Kolev, (col. 1 lines 14-19, col. 1 lines 50-55).

Consider claim 33, Proust discloses a security indicator (see col. 4 lines 10-16 and col. 13 lines 18-55).

Proust does not specifically disclose the security indicator comprises an indication that a transaction over the secure connection cannot be interrupted, manipulated, or interpreted by an application other than the one of the first and second applications currently using the man-machine interface. Kolev teaches the security indicator comprises an indication that a



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transaction over the secure connection cannot be interrupted, manipulated, or interpreted by an application other than the one of the first and second applications currently using the man-machine interface (see col. 7 lines 50-67 and col. 8 lines 1-3, where Kolev indicates an encrypted connection, so a connection that cannot be accessed from other sources). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust, and have the security indicator comprise an indication that a transaction over the secure connection cannot be interrupted, manipulated, or interpreted by an application other than the one of the first and second applications currently using the man-machine interface, as taught by Kolev, thereby communicating the to the user that and encryption is taking place so the user has more confidence in the connection, as discussed by Kolev, (col. 1 lines 14-19, col. 1 lines 50-55).

Consider claim 34, Proust discloses a method of operating a man-machine interface of a portable communication apparatus of the type having an operating system capable of executing a plurality of applications through the man-machine interface (see col. 1 lines 8-23, col. 1 lines 62-67, col. 2 lines 1-21, col. 5 lines 10-27, col. 10 lines 30-52, where Proust is discussing a mobile terminal with SIM card, the SIM having control of accessing data and applications, therefore, an operating system for the phone and using remote applications such as for payments.). Proust discloses providing a security indicating feature (see col. 3 lines 54-67, col. 4 lines 1-30, col. 11 lines 13-34, and col. 13 lines 18-55, where Proust discusses access control policy indicators and authentication of applications attempting access data in the memories.). Proust discloses providing an operating system call for invoking the security indicating feature from at least one of the plurality of applications (see col. 13 lines 18-55, col. 13 lines 65-67, and col. 14 lines 1-35

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where Proust discusses the SIM module, i.e., the processors and algorithms, calling an authorization routine when a remote application try's to access data, where the SIM is the operating system of the phone). Proust discloses providing information regarding a security of one of the plurality of applications currently using the man-machine interface, upon reception of the operating system call from the one of the plurality of applications; and including the information in the security indicating feature (see col. 2 lines 49-55, col. 1 lines 48-67, col. 12 lines 1-30, col. 13 lines 18-55, col. 14 lines 4-35, and col. 14 lines 44-67, where Proust discusses authorizing remote applications including the standard cellular (GSM) applications for access to local stored data providing a report on authorization).

Proust does not specifically disclose providing a security indicating feature in the man-machine interface. Kolev teaches providing a security indicating feature in the man-machine interface (see col. 1 lines 5-10, col. 2 lines 40-67, col. 5 lines 16-50, col. 6 lines 37-46, col. 7 lines 10-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust, and provide a security indicating feature in the man-machine interface, as taught by Kolev, thereby communicating the result of an authentication or encryption to the user to increase user confidence in the network connection, as discussed by Kolev, (col. 1 lines 14-19, col. 1 lines 50-55).

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proust (A) (6,216,014) in view of Kolev as applied to claim 18 above, and further in view of Proust (B) et al. (6,367,014).

Consider claim 19, Proust (A) discloses the portable communication apparatus, as modified by Kolev above, where the device interacts with local and remote applications and displays a security indicator, as discussed above. Proust (A) further discloses a security indicator that indicates types and access privileges of and performs an authentication process that involves a cryptogram to authenticate the applications currently using the man-machine interface (see col. 2 lines 3-11, col. 14 lines 10-20, col. 13 lines 18-55, and col. 12 lines 39-67).

Proust (A) and Kolev do not specifically disclose the security indicator indicates one of a type, origin, and certificate of one of the first and second applications. Proust (B) teaches the security indicator indicates one of a type, origin, and certificate of one of the first and second applications (see col. 1 lines 58-61, col. 9 lines 55-60, and col. 10 lines 55-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust (A) and Kolev, and have the security indicator indicate one of a type, origin, and certificate of one of the first and second applications, as taught by Proust (B), thus allowing enhanced security, as discussed by Proust (B), (col. 4 lines 60-67, and col. 3 lines 19-25).

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proust in view of Kolev as applied to claim 22 above, and further in view of McNally et al. (6,384,850).

Consider claim 23, Proust discloses the portable communication device, as modified by Kolev above, wherein the security indicator is a predetermined text message (see Kolev col. 5 lines 35-50). Kolev further says the text message is configurable, therefore, different from other text messages presented on the display (see col. 5 lines 45-50).

Proust and Kolev do not specifically disclose the predetermined text message has one of a font, size, and color different from other text messages presented on the display. McNally

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teaches the predetermined text message has one of a font, size, and color different from other text messages presented on the display (see col. 8 lines 65-67 and col. 9 lines 1-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust and Kolev, and have the predetermined text message have one of a font, size, and color different from other text messages presented on the display, as taught by McNally, thus allowing the indicator to be presented in a readily comprehensible format, as discussed by McNally (col. 2 lines 63-67).

5. Claim 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Proust in view of Kolev as applied to claim 26 above, and further in view of Heinonen et al. (6,418,326).

Consider claim 27, Proust discloses the portable apparatus, as modified by Kolev, wherein a connection is made to another device to use applications, as discussed above.

Proust and Kolev do not specifically disclose the connection is a short-range supplementary data connection. Heinonen teaches the connection is a short-range supplementary data connection (see col. 5 lines 42-53, where Heinonen is discussing a phone with another communication interface beside the phone interface for connecting to devices in close proximity such as a computer, therefore, a supplementary data connection). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust and Kolev, and have the connection be a short-range supplementary data connection, as taught by Heinonen, thus allowing users normal phone usage and the ability to make transactions within a shop through close range, as discussed by Heinonen, (col. 3 lines 30-40).

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proust in view of Kolev as applied to claim 18 above, and further in view of Pallas et al. (6,512,923).

Consider claim 29, Proust discloses the portable apparatus, as modified by Kolev, wherein a connection is made to another device to use applications wherein a security indicator represents a secure connection, as discussed above. Kolev further indicates the indicator could be from a variety of different indication means, visual, audio, text, or other (see col. 5 lines 35-50, col. 7 lines 60-67, and col. 8 lines 1-11).

Proust and Kolev do not specifically disclose the security indicator comprises a tactile signal through the man-machine interface. Pallas teaches the security indicator comprises a tactile signal through the man-machine interface (see col. 6 lines 11-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust and Kolev, and have the security indicator comprises a tactile signal through the man-machine interface, as taught by Pallas, thus allowing the user to be alerted of a security message at times when the user is not looking at the display so they can then look at the display and interpret the message, as discussed by Pallas, (col. 6 lines 8-11, col. 6 lines 13-20).

7. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proust in view of Kolev as applied to claim 18 above, and further in view of Hall et al. (5,991,618).

Consider claim 32, Proust discloses the portable apparatus, as modified by Kolev, wherein a connection is made to another device to use applications wherein a security indicator represents a secure connection, as discussed above. Kolev further indicates the indicator could be from a variety of different indication means, visual, audio, text, or other (see col. 5 lines 35-50, col. 7 lines 60-67, and col. 8 lines 1-11). Proust and Kolev do not specifically disclose the security indicator comprises an indication of a physical link quality of the secure connection. Hall teaches the security indicator comprises an indication of a physical link quality of the secure

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connection (see col. 6 lines 35-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Proust and Kolev, and have the security indicator comprises an indication of a physical link quality of the secure connection, as taught by Hall, thus allowing the user to feel confident in the selected mode of operation so the user does not have to assume data is received via a good connection, as discussed by Hall, (col. 1 lines 35-52).

*Allowable Subject Matter*

8. Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 24 and 25, the prior art of record fails to teach a portable communication apparatus with operating system and man-machine interface where the device has local applications for executing through the man machine interface locally, and a wireless interface for executing applications in a remote device, with a secure resource accessible through the operating system where the operating system supplies a security indicator via the man-machine interface display representing the security of the connection between the secure resource and one of the first and second applications being executed, where the security indicator indicates whether one of the first and second applications currently using the man-machine interface is executed locally in the portable communication apparatus or is executed externally to the portable communication apparatus or was originally installed in the device or is remote.

Proust in view of Kolev, as discussed above, disclose a portable communication device that can execute both local and remote applications, where Proust discloses checking the security of the applications and indicating with indicators and a report the results of an authentication of an application. Kolev shows that the results can be displayed as an authentication or encrypted connection. Proust and Kolev however are not disclosing including in the indication whether or not the application is local or remote or was originally local or remote, as indicated in claims 24 and 25. Additional references could be used to modify Proust and Kolev, such as McNally et al. (6,384,850). McNally, and similar references, are using Graphical User Interfaces (GUI) such as a Windows operating system. In GUI's the user would see the name of the applications and know if the application is a remote or local application. However modifying Proust and Kolev to show using the GUI to show not only the security condition of the application that is accessing data or being authenticated, in a form as stated by claim 18, but also location of applications, could not be done in proper combination to form the invention as state by the applicant.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,412,021), Nguyen discloses checking the status of applications, but not the security of applications.

(6,466,783), Dahm discloses a visual interface for checking accounts from a remote device, where the user is checked by password. Dahm is not showing checking security of the application but checking authorization of the user.

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2. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung (acting supervisor), can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth, Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377..

Nick Corsaro

A handwritten signature in black ink, appearing to read "Nick Corsaro", with a long, sweeping horizontal stroke extending to the right.